

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

LINCOLN BENEFIT LIFE COMPANY,	)	
EVERLAKE LIFE INSURANCE	)	
COMPANY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:24-cv-00264-RLY-MKK
	)	
COREY SHELTON Clerk's Entry of Default	)	
Entered on 6/26/2024,	)	
DAVID SHELTON,	)	
SHARON LOPEZ Clerk's Entry of Default	)	
Entered on 6/26/2024,	)	
	)	
Defendants.	)	

**REPORT AND RECOMMENDATION TO**  
**DISMISS COMPLAINT WITH PREJUDICE**


The Court held an Initial Pretrial Conference on August 5, 2024 (Dkt. 17) after the Clerk entered Default against Pro Se Defendants Corey Shelton and Sharon Lopez, (Dkt. 16). Pro Se Defendants Corey Shelton and Sharon Lopez did not appear. (Dkt. 17). Counsel for Plaintiffs Lincoln Benefit Life Company and Everlake Life Insurance Company as well as Counsel for Defendant David Shelton appeared telephonically. (*Id.*). The Court issued an Entry and Order from Telephonic Initial Pretrial Conference requiring all parties to attend a Telephonic Status Conference on August 23, 2024. (*Id.*). Pro se Defendants Corey Shelton and Sharon Lopez failed to appear for the August 23, 2024, Telephonic Status Conference.

Given the entries of default, Defendants Corey Shelton's and Sharon Lopez's failure to appear, and the Parties' Stipulation to Pay Policy Proceeds and for Dismissal and Discharge, Dkt. [15], the Magistrate Judge recommends to the District Judge that Plaintiffs pay the Policy Proceeds to Defendant David Shelton within 21 days of the date of the District Judge's Order and the receipt of a W-9 from Defendant David Shelton, whichever is later. Upon payment of the Policy Proceeds to Defendant David Shelton, Plaintiffs should be discharged of any and all liability with respect to the Policies and payment of the Policy Proceeds, and this action should be **DISMISSED WITH PREJUDICE**. Defendants, and anyone acting directly or indirectly on their behalf, should be enjoined from instituting or maintaining any action against Plaintiffs relative to the Policies or the payment of the Policy Proceeds.

Any objections to the Magistrate Judge's Report and Recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for such failure.

So RECOMMENDED.

Date: 8/30/2024

  
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M. Kendra Klump  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the Court's ECF system.

Via U.S. Mail:

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